

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CIVIL REVISION APPLICATION No. 17 of 1999****For Approval and Signature:****HONOURABLE MR.JUSTICE P.B.MAJMUDAR**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
- 5 Whether it is to be circulated to the civil judge ?

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KALIBEN BOGHABHAI AND OTHERS**Versus****BHIKHABHAI LAKHABHAI AND ANOTHER**

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Appearance :

MR BHARGAV N BHATT for the applicant

Opponents Served

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**CORAM : HONOURABLE MR.JUSTICE
P.B.MAJMUDAR****Date : 06/03/2006****ORAL JUDGMENT**

By filing this revision application under Section 115 of the Code of Civil Procedure, the petitioners – original plaintiffs have challenged the interim order passed by the learned Joint District Judge, Bhavnagar in Civil Miscellaneous Appeal No.112 of 1997.

The petitioners have instituted a suit being Special Civil Suit No.83 of 1995 for partition and permanent injunction. In that suit, an application for interim injunction was filed under Order 39 Rule 1 of the Civil Procedure Code. The trial Court granted the said application against which the original defendants preferred appeal being Civil Miscellaneous Appeal No.112 of 1997 before the District Court at Bhavnagar. The aforesaid appeal was partly allowed by the appellate Court against which the original plaintiffs have preferred this revision application.

At the time when the matter is called out for hearing, learned advocate Mr Bhatt states that the original suit itself has been disposed of and, therefore, this revision application, which is filed against an interlocutory order, has become infructuous. This revision application is accordingly disposed of as having become infructuous. Rule is discharged with no order as to costs. Interim relief stands vacated.

(P.B.Majmudar, J.)

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